
By: **Chairman, Economic Matters Committee (By Request - Departmental -
Public Service Commission)**

Introduced and read first time: January 29, 2003

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission - Orders**

3 FOR the purpose of providing that certain orders issued by the Public Service
4 Commission in generic or quasi-legislative proceedings are valid and
5 enforceable under certain circumstances; providing for the retroactive
6 application of this Act in certain circumstances; and generally relating to the
7 authority of the Public Service Commission.

8 BY repealing and reenacting, with amendments,
9 Article - Public Utility Companies
10 Section 3-113
11 Annotated Code of Maryland
12 (1998 Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Public Utility Companies**

16 3-113.

17 (a) A decision and order of the Commission in a contested proceeding shall:

- 18 (1) be based on consideration of the record;
- 19 (2) be in writing;
- 20 (3) state the grounds for the conclusions of the Commission; and
- 21 (4) in the case of a complaint proceeding between two public service
22 companies, be issued within 180 days after the close of the record.

23 (b) An order of the Commission shall take effect within a reasonable time that
24 the Commission prescribes, and shall continue in force according to the terms of the

1 order unless vacated, suspended, modified, or superseded by further order of the
2 Commission or by a court of competent jurisdiction.

3 (c) (1) A person served with an order of the Commission shall promptly
4 notify the Commission in writing of receipt of service.

5 (2) For notification by a corporation under paragraph (1) of this
6 subsection, a person authorized to accept service for the corporation shall sign the
7 notice.

8 (3) The Commission may require in an order that notice be provided to
9 the Commission:

10 (i) within the time specified in the order;

11 (ii) in the same manner as notice provided in paragraph (1) of this
12 subsection; and

13 (iii) describing if, and to what extent, the order is accepted and will
14 be obeyed.

15 (d) (1) An order of a panel constituted under § 3-104(a) of this subtitle is
16 final.

17 (2) (i) A proposed order of a commissioner or hearing examiner under
18 § 3-104(d) of this subtitle becomes final unless a party to the proceeding notes an
19 appeal with the Commission within the time period for appeal designated in the
20 proposed order.

21 (ii) The time period for appeal designated in the proposed order is
22 30 days unless the order specifies a shorter period of at least 7 days.

23 (3) On appeal, the Commission promptly shall:

24 (i) consider the matter on the record before the Commissioner or
25 hearing examiner;

26 (ii) conduct any further proceedings that it considers necessary
27 including requiring the filing of briefs and the holding of oral argument; and

28 (iii) issue a final order.

29 (e) [Notwithstanding the Administrative Procedure Act, unless a provision of
30 this article specifically requires the Commission to act through regulation, the
31 Commission may implement any provision of this article by either order or regulation
32 as the Commission deems necessary and proper] UNLESS A PROVISION OF THIS
33 ARTICLE SPECIFICALLY REQUIRES THE COMMISSION TO ACT BY REGULATION, A
34 COMMISSION ORDER ISSUED IN A GENERIC OR QUASI-LEGISLATIVE PROCEEDING IS
35 VALID AND ENFORCEABLE IF THE ORDER MEETS THE REQUIREMENTS OF THIS

1 ARTICLE, REGARDLESS OF WHETHER THE ORDER MEETS THE DEFINITION OF A
2 REGULATION UNDER § 10-101 OF THE STATE GOVERNMENT ARTICLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act
4 shall be construed to apply retroactively and shall be applied to and interpreted to
5 affect any order issued by the Public Service Commission on or after January 1, 1988.
6 This section may not be applied to or interpreted to affect any court case that is filed
7 or has become final on or before June 1, 2003.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect June 1, 2003.